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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,522	12/08/2000	Neta J. Amit	2210	1989

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,522

Applicant(s)

AMIT ET AL.

Examiner

James S McClellan

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44

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment was entered on March 19, 2004, wherein:
claims 1-30 are pending and
claim 1 has been amended.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 contains the trademark/trade name MSMQ. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a type of message and, accordingly, the identification/description is indefinite.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,604,093 (Etzion et al.) in view of U.S. Patent No. 6,477,585 (Cohen et al.).

Regarding **claim 1**, Etzion et al. discloses a system for notifying clients of events of an event source (see column 17, lines 15-20), comprising: a first trigger engine configured to register event requests (see Figure 2, step 40), including first and second event requests; upon receipt of an event instance, the first trigger engine configured to determine whether the event instance corresponds to first event request, if so, to notify the first client of the even instance (see column 17, lines 15-20), and the first trigger engine configured to determine whether the event instance corresponds to the second event request, and if so, to notify the second client of the event instance (see column 17, lines 15-20); **[claim 2]** the data indicative of the event instance is provided in an event object (see column 8, lines 15-19); **[claim 4]** communication is over a network connection (see Figure 1); **[claim 5]** the first trigger engine includes at least one data structure (see column 12, lines 20-29); **[claim 6]** the first trigger engine is client; **[claim 7]** at least one of the event request corresponds to a job (the events perform jobs over a given time schedule); **[claim 8]** the first trigger engine is associated with a job scheduler component (each event is controlled by initiators and terminators); **[claim 10]** the job scheduler component includes at least one data structure (Table 1); **[claim 11]** the event-triggered criteria include a

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time event (each event is controlled by initiators and terminators); **[claim 12]** the event-trigger criteria include a job event corresponding to the completion status of at least one other job (complex events include multiple events that occur at different times); **[claim 13]** the event-triggered criteria are arranged as clauses of atoms, each atom corresponding to a request (see column 8, lines 58-60); **[claim 14]** communication by the first trigger engine is via a reliable protocol (inherent); and **[claim 16]** the first trigger engine includes a recovery process (it is inherent that time values are reset after each event is completed).

Etzion fails to disclose a second trigger engine, wherein the second trigger engine registers multiple event requests that are grouped with similar requests into a base request.

Cohen et al. teaches organizing event requests by event types and the utilizing an event management service (EMS) to determine the user to notify when the request is completed (see columns 7, line 42 - column 8, line 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion et al. with grouping of event requests as taught by Cohen et al., because grouping event requests allows more efficient organization of the event requests.

Regarding **claim 18**, the Examiner takes Official Notice that is old and well known to use an access checking mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion et al. with access control as is well known in the art, because installing access control within a system provides the security necessary to insure the protection of enterprise data.

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- **Claims 19-28** are directed to a method of using the system of claim 1, wherein the combination of Etzion et al. and Cohen et al. discloses the method as described above in detail for the system.

Claims 29 and 30 are directed to system similar to the system of claim 1, wherein the combination of Etzion et al. and Cohen et al. discloses the system of claim 29 as described above in detail for the system 1.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Etzion et al. in view of Cohen et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,018,627 (Iyengar et al.).

Etzion et al. in combination with Brinnand et al. disclose the claimed invention as set forth above but fail to explicitly disclose the use of MSMQ messages as the means of communication between the first and second trigger engines.

Iyengar et al. teaches the use of utilizing MSMQ messages.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion's modified device with MSMQ messages as taught by Iyengar et al., because MSMQ is a known equivalent messaging system.

Response to Arguments

7. Applicant's arguments filed March 19, 2004 have been fully considered but they are not persuasive.

Applicant's arguments on pages 10-28 are moot in view of the new grounds of rejection.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

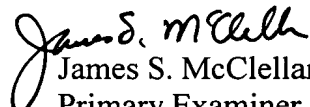
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


James S. McClellan
Primary Examiner
A.U. 3627

jsm
May 28, 2004